IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH, NAGPUR

L.P.A. No.17 of 2007 in

W.P. No.5892 of 2006 (Decided)

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Office Notes, Memoranda of Coram, appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

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CORAM **:** D.D.Sinha and
A.B.Chaudhari, JJ.
DATE **:** February 12, 2007.

Heard Mr. Alok Daga, Counsel for the Applicant.

Looking to the prayers made in the Writ Petition and the contentions canvassed, we are of the view that the jurisdiction of this Court was invoked under Article 227 of the Constitution of India only. Similarly, the tenor of the order also demonstrates that the learned Single Judge exercised jurisdiction under Article 227 of the Constitution of India. In view of the decision in ***L.P.A.No.56 of 2006, Kanhaiyyalal Fattelalji Upadhyaya – (Since deceased) through L.R. Smt. Rukmani wd/o. Kanhaiyyalal Upadhyay and Others .vs. M/s. Mahavir Tea Co., Nagpur and Others,*** this Letters Patent Appeal is not maintainable. Hence, the same is

dismissed.

No order as to costs.

Consequently, the Civil Application No.864 of 2007 is also dismissed.

JUDGE JUDGE

ssj